

Public Safety and Homeland Security

Public Safety & General Government Subcommittees of the Senate Finance & Appropriations Committee

Maggie Cleary
December 9, 2022





Public Safety and Homeland Security

Population Forecasts



Population Forecasts

- **Adult Populations**

- Local-responsible (LR) is defined as the number of persons confined in local and regional jails across the Commonwealth, excluding state and federal inmates and ordinance violators.
- State-responsible (SR) inmate population includes those incarcerated in state prisons, as well as state-responsible offenders housed in local and regional jails around the Commonwealth.

- **Juvenile Populations**

- Juvenile offenders committed to the state are held in facilities operated by the Department of Juvenile Justice (DJJ) or they are placed in re-entry, community placement, or other programs; collectively, these make up DJJ's total correctional center/direct care population.
- Juveniles held in local or commission-operated juvenile detention centers around the Commonwealth make up the juvenile local-responsible population.

- **Policy Impacts**

- Since March 2020, Judicial emergencies have significantly slowed proceedings in commonwealth courts. Reports suggest that court caseloads have not returned to pre-COVID levels.
- In 2020, the DOC Director of was granted the authority to release SR inmates who were within one year of their expected release dates and who met certain release eligibility criteria. When this authority ended on June 30, 2021, 2,185 state-responsible inmates had been released up to one year earlier than they otherwise would have been.
- The General Assembly enacted legislation, effective July 1, 2022, to increase the rates at which certain felons may earn sentence credits to reduce the time served in jail or prison. The legislation applied retroactively. As a result of retroactive application of the legislation, more than 2,686 state-responsible inmates were released in July and August 2022, ahead of their originally scheduled release date.



Population Forecasts

Fiscal Year	Adult Local-Responsible Jail Population (FY Average)	Adult State-Responsible Population (June 30)	Technical Violators In the Adult SR Population (June 30)*	Juvenile Correctional Center/Direct Care Population (FY Average)	Juvenile Detention Center Population (FY Average)
FY2023	15,663	26,393	1,318	229	406
FY2024	15,835	26,179	1,258	270	412
FY2025	16,041	26,439	1,225	295	419
FY2026	16,271	26,605	1,194	301	427
FY2027	16,498	26,722	1,207	304	434
FY2028	16,724	26,968	1,229	305	441

*Technical Violators in Adult SR Population is a subgroup of, and not an addition to, the Adult State-Responsible forecast.



Juvenile Correctional Center/Direct Care

- The number of juveniles in this population has been falling overall since FY2000. Statutory changes, use of validated risk assessment instruments, and continued decline in the number of juvenile intake cases at Court Services Units have contributed to the long-term downward trend.
- Between FY2017 and FY2019, the population began to level off, with the average population ranging from 335 to 338.
- The population declined significantly after February 2020. In FY2022, an average of 195 juveniles were in the state population.
- The number of admissions to the committed juvenile population has dropped significantly since the onset of the pandemic; however, admissions are not projected to remain at such low levels during the forecast horizon.
- The forecast anticipates some growth in this population after FY2022 and this population is expected to increase by an average of 8.0% per year over the forecast horizon to an average of 305 in FY2028 .



Juvenile Detention Center

- The detention center population has been declining for a number of years, reaching an average of 520 in FY2019. Lower numbers of intakes at Court Services Units and procedures to reduce detention of low-risk juveniles have been important factors in the downward trend.
- While the overall average population for FY2020 was 452, the monthly population figures decreased significantly between February and June 2020 (from 498 to 344 juveniles).
- The population continued to fall in FY2021, during which 350 juveniles, on average, were held in detention centers.
- Unlike the other forecasted populations, the detention center population did not decline substantially in FY2022 but, rather, leveled off at 349 for the fiscal year average.
- The forecast anticipates that this population will increase throughout the forecast horizon to an average of 441 in FY2028.



Adult Local-Responsible (LR) Jail

- The LR population declined slightly in FY2019 and this modest downward trend continued into the first half of FY2020.
- By February 2020, the average population for the month was 19,418.
- As a result of declines in the number of arrests and state and local policies to address the spread of the COVID-19 virus, the local-responsible jail population fell by more than 5,000 individuals between February and June 2020.
- Overall, the average local-responsible jail population dropped by 7.4% in FY2020, 12.3% in FY2021, and 5.3% in FY2022, reaching an average of 15,091 for the fiscal year.
- The forecast approved anticipates that the population will increase during the current fiscal year, resulting in an average population for FY2023 of 15,663. For the remaining years of the forecast, the Policy Committee expects a slower rate of growth.
- Under the approved forecast, an average population of 16,724 is projected for FY2028



State Responsible (SR) Forecast

- SR gradually declined from 38,891 in June 2014 to 36,535 in February 2020.
- Between February and June 2020, as a result of the COVID-19 pandemic policies, SR decreased by 2,750 inmates. By June 2021 the SR population decreased to 31,197.
- With enhanced ESC (effective July 2022), total SR EOM decreased from 30,383 at the end of June 2022 to 27,242 by the end of October 2022
- The adopted forecast calls for a continued decline in the population through the end of FY2023 due to retroactive nature of the enhanced earned sentence credits that went into effect on July 1, 2022 and court backlog.
- After FY2023, the approved forecast calls for an average annual increase of 0.4%, with the population reaching 26,968 at the end of FY2028.



Long-Term Impact of Enhanced ESC

- There was an immediate surge of 2,686 releases when the enhanced good-time rates went into effect on 7/1/2022
- The majority of these releases were due to the retroactive nature of the enhanced ESC
- Projected releases in the future may be lower because those inmates affected by enhanced ESC will have already been released
- Judicial response to the enhanced ESC is not known at this time; however, if a judge does not support this policy, he/she could impose longer sentences

Expected Release Date	Old ESC		Enhanced ESC		Difference	
	Number	Col %	Number	Col %	Number	Percent
FY2023	6,739	23.3%	7,110	24.6%	371	5.5%
FY2024	3,818	13.2%	4,129	14.3%	311	8.1%
FY2025	2,469	8.5%	2,618	9.0%	149	6.0%
FY2026	1,760	6.1%	1,860	6.4%	100	5.7%
FY2027	1,322	4.6%	1,377	4.8%	55	4.2%
FY2028	998	3.4%	1,030	3.6%	32	3.2%
After FY2028	9,316	32.2%	8,298	28.7%	-1,018	-10.9%
Serving 1+ Life Sentences	2,088	7.2%	2,088	7.2%	0	0.0%
Release Date Not Yet Calculated	449	1.6%	449	1.6%	0	0.0%
Total SR Confined	28,959		28,959			

NOTE: Based on a snapshot of the SR Population on June 30, 2022 and does not include future inmates sentenced to SR incarceration. Prior estimates of the above chart only included results of CORIS testing of inmates estimated to be released in July-Aug 2022; this version of the chart has the enhanced ESC calculations for the entire SR Confined population



How Has the SR Population Changed?

- SR End of Month Population has decreased 9.4% since 6/30/22
- Slightly more Male and slightly Older
- Much more Violent
- Longer Sentence, Expected Total and Remaining SRLOS

	6/30/2022	10/31/2022
Total SR End of Month Population	30,083	27,242
Gender	92.8% Male 7.2% Female	93.4% Male 6.6% Female
Race/Ethnicity	53.5% Black 45.8% White	53.7% Black 45.5% White
Average Age	41.4	41.7
Under 30	16.7%	16.6%
50 or Older	25.3%	26.0%
Most Serious Offense		
Violent	64.8%	70.1%
Property/Public Order	19.3%	16.2%
Drugs	15.9%	13.6%
Total Imposed Sentence (years)		
Mean	17.3	18.6
Median	10.0	10.7
Total Expected SRLOS (years)		
Mean	14.1	14.9
Median	7.7	8.1
Remaining Expected SRLOS (years)		
Mean	7.6	8.1
Median	2.7	2.8



How Have the Community Corrections Populations Changed?

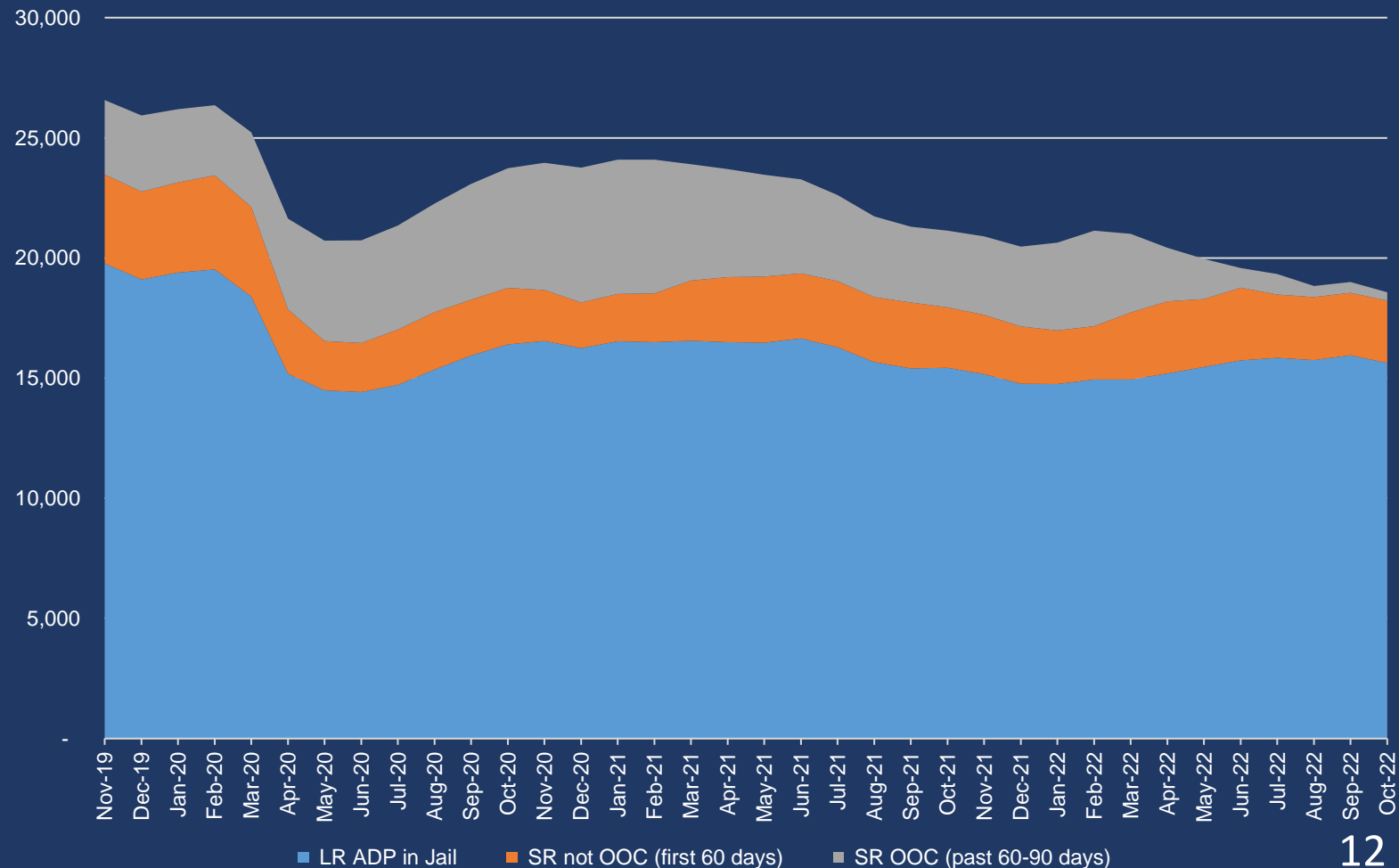
- Community Corrections Population has increased 2.4%
 - 63,264 on 6/30/2022
 - 64,808 on 10/31/2022
- CCAP Population has increased 35.1%
 - 211 on 6/30/2022
 - 285 on 10/31/2022

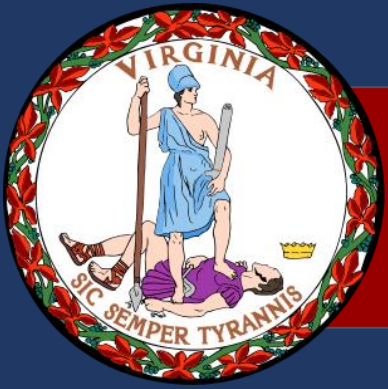


LR and SR Populations in Jails

Local Responsible and State Responsible Jail Inmate Populations

- DOC staff noted changes to the LR population in jails; SR population changes can impact jails differently than the forecast indicates.
- SR decreases between February and June 2020, as a result of the COVID-19 pandemic policies, were comparable in jails, however jail SR populations increased 4.9% by June 2021 v the overall SR population decline of 7.7%, and had increased 20.1% at the peak in February 2021 as DOC temporary stopped intake.
- While overall SR population decreased 10% from the end of June 2022 to October 2022 due to releases under enhanced ESC, it decreased 24% in jails; this drop was preceded by a 42% drop in SR inmates over FY22, driven by increased intake of SR “out-of-compliance” inmates from jails to prisons.





LR and SR Per Diem Funding for Jails

- When Enhanced ESC reductions were approved, a preliminary reduction of \$2.55M was reduced from the per diem appropriation beginning in FY22.
- Reflecting significant reductions in LR populations, the base appropriation was reduced by almost \$11 million for FY23 & FY24.
- Appropriations were increased for FY23 & FY24 based upon an increase in the SR per diem from \$12 to \$15, effective July 1, 2022, and based upon an expanded exemption from the federal overhead recovery for Western Tidewater Regional Jail.
- Recent reductions in SR populations in jails will likely result in further per diem cost reductions in FY23, producing balances for reversion at FY-end.
- Unless shortfalls are anticipated, base funding is not typically changed mid-biennium.

Per Diem Funding Appropriation	FY21	FY22
Chapter 1289	58,606,437	58,606,437
Enhanced ESC Reduction		-2,550,000
Chapter 552	58,606,437	56,056,437
Per Diem Funding Appropriation	FY23	FY24
Forecast Need Change (Base)	-10,941,427	-10,533,239
SR Per Diem Rate Incr to \$15	4,633,444	7,020,908
WTRJ Fed Exemption	500,000	500,000
Chapter 2	50,248,454	53,044,106

- Current SR population levels indicate a potential reduced cost of approximately \$10M in FY23; however costs reflected in 3rd quarter payments due in January, 2023 will provide more information. Additional growth in LR population levels will also need to be closely monitored.

Virginia Department of Corrections

Public Safety & General Government Subcommittees of the Senate Finance & Appropriations Committee

Harold W. Clarke
December 9, 2022





Virginia Department of Corrections

- The Virginia Department of Corrections (VADOC) is a progressive corrections agency with a diverse professional workforce. VADOC is a nationally and internationally recognized leader in corrections.
- For the 6th year in a row, we have had the lowest or second lowest recidivism rate in the nation - currently 22.3%. VADOC continues to lead the nation in preparing inmates for successful reentry resulting in fewer victims, public safety, and children with appropriate support systems.



Virginia Department of Corrections

VADOC Operating Per Capita Cost including Medical Expenditures



VADOC Operating Per Capita Cost

DOC Per Capita Cost	FY21	FY22	% Change
Per capita costs include expenditures for personal services, direct inmate costs, indirect costs and recoveries, continuous charges and property improvements and equipment for all DOC facilities. Total expenditures are divided by the average daily DOC population.	\$40,752	\$42,432	4%

- The increase in the per capita cost from FY21 to FY22 is largely attributed to the 5% statewide employee increase
- The medical DOC per capita cost for FY21 is \$10,550 and FY22 is \$10,824. Medical expenses represent 26% of total per capita inmate costs.



VADOC Direct Inmate Cost Semi-Variable/Variable Costs

Direct Inmate Cost (DIC) - Semi-Variable	FY21	FY22	% Change
Medical and Clinical Supplies and Contractual Medical Services	\$8,543	\$8,728	2%
Non-Medical DIC Inmate Costs - to include Food/Food Supplies, Clothing/Laundry, and other variable non-medical supplies and services	\$1,468	\$1,472	0.3%
Total Direct Cost Per Inmate	\$10,011	\$10,200	2.3%

Marginal Inmate Cost - Variable	FY22
Marginal Medical Costs - include off-site medical services, contractual medical services, pharmacy, x-ray/labs, and supplies, based on DOC state run medical facility expenditures	\$2,920
Non-Medical DIC Inmate Costs	\$1,472
Total Marginal Cost Per Inmate	\$4,392



Medical Cost Drivers

- **New Medical Appropriation Base Budget**
 - Chapter 1289 (FY21 and FY22) was the first legislation to highlight Prison Medical and Clinical Services as a separate budget program
 - This new medical program includes all inmate medical costs
 - Prior to the new budget program, DOC budget requests for changes in medical services were based on direct inmate costs
- **Increased provider accessibility after COVID**
 - Emphasis on Telemedicine Expansion, Dental Coverage and Hepatitis C treatment
- **Aging Population and increased patient acuity**
- **Health care cost inflation**
 - General cost of services increasing
 - Hourly cost of temporary travel worker increase



Medical Transition to Full State Run System

- Transitioning 10 privately-managed medical units to state-managed medical units
- Currently, DOC manages the medical units in 34 other facilities.
- Under an Emergency Contract for the 10 facilities through Dec 2023
- Transition Timeline
 - 6/1/23 – Augusta Correctional Center & Coffeewood Correctional Center
 - 10/1/23 – Remaining 8 facilities*
- Fiscal Impact
 - The VADOC is not asking for any additional resources as a result of the transition
 - The current decision package is a technical request only to redistribute appropriation between medical sub-programs
 - The VADOC is unable to predict the resource requirement that would arise should it be determined that the Department must release a Request for Proposal (RFP) to continue private medical care past the end of the current Emergency Contract

** Beaumont Correctional Center, Deerfield Correctional Center, Deerfield Work Center, Greensville Correctional Center, Indian Creek Correctional Center, Lunenburg Correctional Center, St. Brides Correctional Center, State Farm Infirmary and State Farm Infirmary Annex*



Department of Corrections

VADOC Operational Capacity



VADOC Operational Capacity

- Prior to COVID-19, the numbers of State Responsible (SR) inmates were consistently at least 6,000 above VADOC Operational capacity of 29,273 FY2019; thus, many remained in local and regional jails for an extended time
- With the capacity to bring all SR inmates in to VADOC facilities, VADOC is now focused on bringing in not only the out of compliance inmates, but all SR inmates as soon as they are known to VADOC
- Over the next year, it is anticipated that all SR inmates that VADOC has a court order for will be brought in to VADOC facilities; thus, eliminating the pipeline* historically held in local/regional jails
- SR inmates who come into DOC facilities have significantly lower recidivism rates

** The SR pipeline is a calculation of SR in jails within 90 days of their final sentence date. When the SR population exceeds VADOC facility capacity, these inmates were assumed to remain in jails for at least that period.*



NOTE: 2022 numbers
are preliminary

Total Confined Populations, Forecast & Capacity FY2012-FY2028

- **Due to the COVID-19 pandemic, Total SR EOM¹ decreased by 17.7% between February 2020 and June 2022**
 - Total SR in DOC Facilities decreased by 10.2%
 - Total SR in Local/Regional Jails decreased by 50.0%
- **Combined with enhanced ESC (effective July 2022), Total SR EOM decreased another 9.4% between June 2022 and October 2022, reaching 27,242**
 - Total SR in DOC Facilities decreased by 8.7%
 - Total SR in Local/Regional Jails decreased by 14.9%
- **Total DOC Operational Capacity² has decreased by 9.1% since FY2019**
- **Total DOC Available Design Capacity³ has decreased by 1.6% since FY2019**
 - **As of October 31, 2022, DOC Facilities were operating at 102% of Design Capacity (expected to be at 104 to 107% of Design Capacity by the end of the FY)**

¹SR End of Month (EOM) = SR inmates incarcerated on June 30th of the year indicated; includes SR inmates in DOC Facilities (VADOC VirginiaCORIS Facility Population Summary Report) and SR inmates in local/regional jails from State Compensation Board LIDS data

²Operational Capacity is defined as the total number of available beds less restorative housing, medical and mental health beds; VADOC Offender Management Services Unit Manager, July 14, 2015; operational capacity figures are not available prior to FY2016

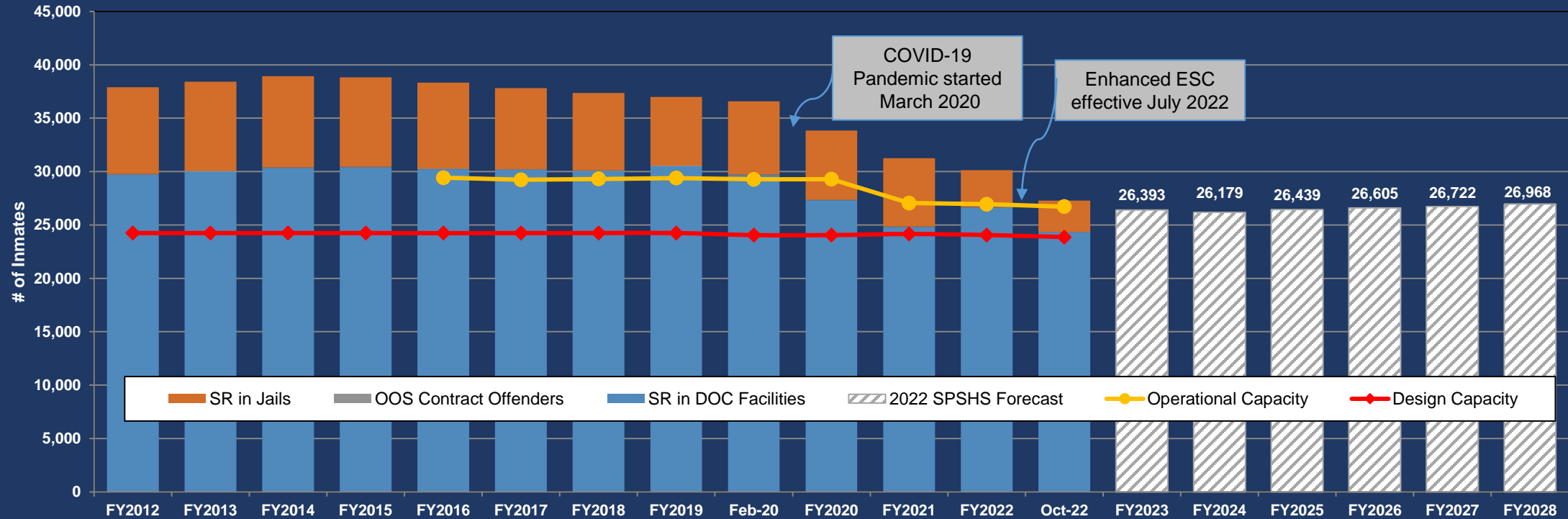
³Design Capacity is defined as the number of inmates a facility's dining, medical, and program space, supporting infrastructure and equipment are intended to accommodate; figures prior to FY2015 from VADOC Architecture & Engineering Services, July 15, 2015; all other figures from VirginiaCORIS Facility Population Summary Report_SOURCE: VADOC Research Unit, November 30, 2022



Total Confined Populations, Forecast & Capacity

FY2012-FY2028

Total Confined Populations, Forecast & Capacity

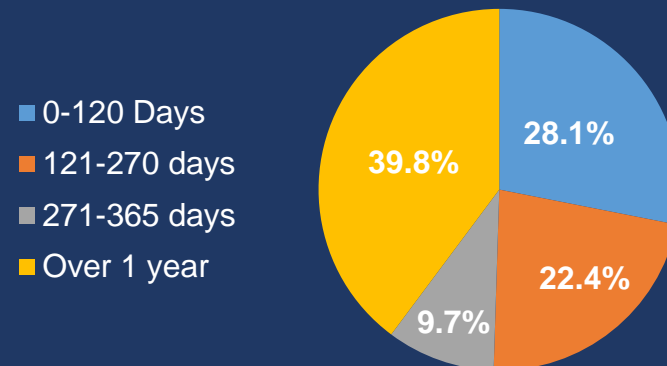




Pending* Felony Cases in Virginia Courts

As of July 2022, there were 114,038 pending* felony cases in Virginia Courts. Of the 75,533 felony cases pending in Circuit Court, nearly 40% have been pending for more than one year. There were 40 Judicial emergencies declared since March 2020 that have tolled the speedy trial guidelines and likely contribute to the high proportion of cases pending for over a year.

Age of pending:



*As of July 2022; fugitives excluded; Alexandria and Fairfax Circuit Courts excluded (not part of the Circuit Caseload Management System). Supreme Court of Virginia, Department of Judicial Planning, Office of the Executive Secretary prepared for the Offender Forecasting Technical Committee, July 2022



Department of Corrections

Questions